



CASE OP/V-30341B

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IN RE APPLICATION OF

Art Unit: 1615

KIS ET AL.

Examiner: Joynes, Robert M

APPLICATION NO: 10/016,361

FILED: DECEMBER 10, 2001

FOR: AUTOCLAVABLE PHARMACEUTICAL COMPOSITIONS
CONTAINING A CHELATING AGENT

Assistant Commissioner for Patents
Washington, D.C. 20231

TERMINAL DISCLAIMER

Sir:

Novartis AG, a company organized under the laws of the Swiss Confederation, having a place of business at Schwarzwaldallee 215, Basel, Switzerland 4058, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which is being transmitted for recordation in the United States Patent and Trademark Office concurrently herewith. A copy is attached hereto.

Novartis AG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior **Patent No. 6,395,756** issued May 28, 2002. Said Patent No. 6,395,756 is also assigned to Novartis AG by virtue of an assignment which an assignment which was recorded in the United States Patent and Trademark Office on April 11, 2002 at Reel/Frame 0128829/0919.

Novartis AG hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior Patent No. 6,395,756 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Novartis AG does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full

statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. 6,395,756, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 15th day of November, 2002 by the undersigned attorney of record.

Novartis Corporation
Patent and Trademark Dept.
564 Morris Avenue
Summit, NJ 07901-1027
(908) 522-6946



David E. Wildman
Attorney for Applicants
Reg. No. 40,226

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

- (1) Gyorgy Lajos KIS
 (2) Marcia Johanna ADAM
 (3) Andrea FETZ

2. Name and address of receiving party(ies)

Name: Novartis AG

Internal Address: _____

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Street Address: (formerly Schwarzwaldallee 215)Lichtstrasse 35City: Basel State: Switzerland ZIP: 4058Additional name(s) & address(es) attached? ☐ Yes ☒ NoExecution Date: (1) February 27, 2002, (2) April 5, 2002,and (3) March 10, 2002

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

10/016,361

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Thomas HoxieInternal Address: Novartis Pharmaceuticals CorporationPatent and Trademark Dept.Street Address: 564 Morris AvenueCity: Summit State: NJ ZIP: 07901-10276. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41) \$ 40☐ Enclosed☒ Authorized to be charged to deposit account and any other additional fees required.

8. Deposit account number:

19-0134 (In the name of Novartis Corporation)

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David E. WildmanName of Person Signing
Reg. No. 40,226☒ Express mailing on reverse sideTotal number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:
 Commissioner of Patents & Trademarks, Box 505
 Washington, D.C. 20531

ASSIGNMENT

We,

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for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, do hereby sell and assign to **Novartis AG**, a company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, Basel, Switzerland 4056, its successors, assigns and legal representatives, all our right, title and interest, which includes the right to and full benefit of such priorities as may now or hereafter be granted to us by local laws or by treaty, including any international convention for the protection of industrial property, in and for the United States and its territories and possessions in and to the invention entitled:

Autoclavable Pharmaceutical Compositions Containing A Chelating Agent

invented by us and described in the application for United States Letters Patent

Application No. **10/016,361**, filed **December 10, 2001**,

including (1) said application for United States Letters Patent and all continuations and divisions thereof (including further continuations and divisions such as, but not limited to, continuations of continuations and divisions of continuations), (2) all United States Letters Patent which may be issued and/or granted on all such applications, (3) all applications for reissues and extensions of and reexamination certificates for all such United States Letters Patent and (4) all reissues and extensions and reexamination certificates issued for all such United States Letters Patent, the said interest being the entire ownership of said invention and all of said applications, United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates to be held and enjoyed by the said Novartis AG and its successors and assigns to the full end of the terms to which said United States Letters Patent (including reissue Letters Patent), extensions and

reexamination certificates may be granted and/or issued, as fully and entirely as the same would have been held and enjoyed by us if this sale, assignment and transfer had not been made;

And we hereby agree to sign and/or execute any further documents and/or instruments which may be necessary, lawful and proper in and/or for the filing and/or prosecution of said applications for United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates and/or the granting and/or issuance thereof and/or to otherwise secure title to said invention and all of said applications, United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates in said assignee.

Signed this 27. day of February , 2002 by Gyorgy Lajos Kis
Gyorgy Lajos Kis

Signed this 05 day of April , 2002 by Marcia Johanna Adam
Marcia Johanna Adam

Signed this 10 day of March , 2002 by Andrea Fetz
Andrea Fetz

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